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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 002186

SIPDIS

DEPARTMENT FOR EUR/SE

E.O. 12958: DECL: 04/15/2014

TAGS: PGOV PREL PHUM TU

SUBJECT: CASE AGAINST ATTACKERS OF CHRISTIAN CONVERT DELAYED

Classified by Polcouns John Kunstadter; reasons 1.4 b and d.

¶1. (C) Summary: A court in northwestern Turkey postponed for 15 months the trial of three suspects accused of severely beating a Christian convert from Islam for performing missionary work, causing him to suffer a coma. The delay was approved ostensibly in order to evaluate the extent of the victim's injuries. Embassy raised concerns about the case with contacts in the Justice and Foreign ministries, who said they would discuss the case with the court prosecutor and other GOT officials. A Protestant pastor told us the attack was the first of its kind in recent memory in Turkey, though intolerance of converts is widespread. GOT contacts acknowledged many Turks fear Christianity and are intolerant of converts. End Summary.

Court Orders 15-Month Delay

¶2. (U) A criminal court in Orhangazi, Bursa Province, ruled in March to postpone for 15 months the trial of three suspects accused of severely beating a Christian convert. The court ruled the delay necessary in order to determine whether the victim, Yakup Cindilli, will be able to fully recover from his injuries. The local chairman of the Nationalist Movement Party (MHP) and two other MHP members allegedly attacked Cindilli in October 2003 after accusing him of conducting "missionary propaganda." Cindilli was in a coma for 40 days and continues to suffer mood swings and memory lapses. The next hearing is scheduled for June 18, ¶2005.

"Ultra-Nationalists" Attack Christian Converts

¶3. (C) Ihsan Ozbek, an Ankara pastor and chairman of the Alliance of Turkish Protestant Churches, told us April 9 that the "ultra-nationalist" assailants entered an Orhangazi coffeehouse October 19 and ordered both Cindilli and fellow Christian convert Tufan Orhan to come out. After punching Cindilli and Orhan in the street, they took them to a nearby MHP building. Inside, they beat the victims and demanded that they renounce Christ and "return to Islam." Orhan complied, and escaped serious injury. But Cindilli had lost control of his senses, was unable to respond, and was therefore beaten much more severely. Ozbek noted that Orhan remembers the attack clearly, and reported it to fellow church members, but is not participating in the trial for fear of retribution. However, a coffeehouse employee who witnessed the beginning of the attack has testified in court.

¶4. (U) The Alliance, which includes the Bursa church where Cindilli and Orhan worship, asked to be a party to the trial, on the grounds that the victims were assaulted for belonging to a Protestant church. But the court rejected the request, maintaining that the attack was a "personal dispute." Ozbek said the Alliance contacted the Cindilli family and offered to pay for an attorney, but family members are too scared to cooperate with the church. In the absence of a private attorney, the case against the suspects is completely in the hands of the court prosecutor, who would otherwise have a more limited role. Ozbek said he is hopeful Cindilli will hire an attorney through the Alliance once his mental and physical condition improves.

Embassy Raises with MOJ, MFA

15. (U) We raised concerns about the attack and the trial delay with contacts in the Justice and Foreign Affairs ministries. There is a 7.5-year statute of limitations on the assault charges, meaning that the case will be closed without a verdict if a final decision, including appeal, is not reached before the deadline. Procedural delays are often used in Turkey as a means to run out the clock and avoid a conviction. The court set the next hearing date on a Saturday, when courts are not in session, possibly in order to further delay the process. Abdulkadir Kaya, Justice Ministry Director General for International Relations, asserted to us the court's postponement decision was based on a medical examination determining that doctors will need 15 months to determine whether Cindilli will be able to fully recover from his injuries. If his injuries are determined to be temporary, the defendants would face 2-5 year prison sentences if convicted; if permanent, they would face 5-10 years. Kaya said Cindilli could ask for a second medical exam to challenge the postponement. We noted Cindilli's mental condition and the fact that he had not hired an attorney. Kaya said he will contact the prosecutor and discuss options for shortening the postponement, but he cautioned that he could not force the prosecutor to agree.

16. (U) Ali Savut, director of the MFA Human Rights Department, acknowledged to us he was "shocked" to learn of the 15-month delay. However, he urged the USG to focus on the overall human rights reform process in Turkey, rather than on specific cases, and noted that the GOT cannot interfere in the judicial process. We replied that we are closely following and encouraging the GOT's legislative reforms. At the same time, we are concerned by court decisions that appear to contradict the spirit of the reforms. If the court in this case fails to properly try the defendants, it will give the appearance of condoning anti-Christian violence. GOT officials often raise concerns about religious discrimination against Turks abroad. Savut said he will report USG concerns to other ministries.

GOT Contacts Acknowledge Religious Intolerance

17. (C) Ozbek said Turkey's Protestant community, about 3,000 strong, was shocked by the attack. Cindilli and Orhan had been passing out copies of the New Testament, though not at the time of the attack. Such missionary work, though legal in Turkey, often angers Turks, leading them to punch and insult church members. But Ozbek said he knows of no previous case in recent memory of such a vicious, premeditated attack against Protestants for missionary activities. Still, the roots of the anger are clear. Ozbek, a convert himself, said Christian converts provoke a deep anger in some Turkish Muslims, who take it as a personal insult when a fellow Muslim "rejects" Islam. Kaya and Savut both acknowledged the problem. Kaya said religious education in Turkey needs to be improved, to promote true religious tolerance. Many Turks, even if they are not observant Muslims, will tolerate non-Muslim foreigners but not converts. "If you don't go to Friday (Muslim) prayer, no problem," he said. "But if you say 'I'm a Christian,' that is a problem." Savut said many Turks view Christianity as a threat, though Turkey is officially 99 percent Muslim, and nationalists often stoke this fear for political ends.

Comment

18. (C) Though this attack was an isolated and apparently unusual incident, it reflects a much broader problem. Many Turks regard people outside the accepted Sunni Muslim mold with fear and contempt. If they are foreigners, or members of Turkey's long-standing Christian, Jewish or heterodox Muslim (Alevi) communities, they will be tolerated, though not accepted. But a Turk who converts from Islam is perceived as having gone beyond the limits of religious tolerance. While our contacts acknowledge the problem, most Turks do not. Turkish education asserts that the Ottoman Empire demonstrated high tolerance for religious minorities, and Turks tend to believe Turkey maintains an impeccable record in this regard.